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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,482	07/06/2001	Taqi Hasan	NEXSI-01025US0	4153
28863	7590	08/09/2005	EXAMINER	
SHUMAKER & SIEFFERT, P. A. 8425 SEASONS PARKWAY SUITE 105 ST. PAUL, MN 55125			BAROT, BHARAT	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/900,482

Applicant(s)

HASAN ET AL.

Examiner

Bharat N. Barot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**RESPONSE TO AMENDMENT**

1. Amended claims 1-4 and 6-55 remain for further examination.

**The new grounds of rejection**

2. Applicants' amendments and arguments with respect to claims 1-4 and 6-55 filed on April 14, 2005 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

**Drawings**

3. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

**Claim Rejections - 35 USC § 103(a)**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-4 and 6-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al (U.S. Patent No. 6,389,464) in view of Traversat et al (U.S. Patent No. 6,052,720).

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6. As to claim 1, Krishnamurthy et al disclose a virtual management system for a data center (see abstract; and figures 1-2) comprising: a network device (site server) having a user interface that presents objects that represent components of a network data center that provide applications and services to subscribers; and a configuration manager implementing changes to the objects responsive to configuration input from an administrator via the user interface (figure 2; column 4 lines 1-60; and column 5 line 48 to column 6 line 27).

However, Krishnamurthy et al do not disclose that user interface that presents an administrative management hierarchy of objects that represent components of a network data center.

Traversat et al disclose a virtual management system for a data center (see abstract; and figure 1) comprising: a network device having a user interface that presents an administrative management hierarchy of objects that represent components of a network data center that provide applications and services to subscribers (figures 2-5; and column 6 line 41 to column 8 line 59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Traversat et al stated above in the virtual management system for a data center of Krishnamurthy et al for presenting an administrative management hierarchy of objects that represent components of a network data center because it would have maximized the ability to control, manage, and maintain components, applications, and services of the network data center.

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7. As to claims 2-3, Krishnamurthy et al disclose that the user interface comprises a graphical user interface and a command line interface (column 18 lines 40-63).
8. As to claim 4, Krishnamurthy et al disclose that the user interface is provided by a host computer coupled to the configuration manager by a network (column 11 lines 11-32).
9. As to claims 6-7, Krishnamurthy et al disclose that the network includes a wide area network and the Internet (column 4 lines 1-6 and 33-43).
10. As to claims 8-12, Traversat et al disclose that the management hierarchy includes a topology hierarchy of parent and children object, wherein a facility/subscriber object serves as a root of the administrative management hierarchy presented by the user interface and the facility/subscriber object includes children objects that represent subscribers, log servers, devices, and services provided by the data center; and the user interface presents the administrative management hierarchy organized by at least one services/device object, and each the services/device object is a parent object having children objects that represent subscribers, services, device, and facilities of the data center (figures 1-5; and column 6 line 32 to column 10 line 28). Also Krishnamurthy et al disclose that log servers that record events within the data

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center (column 10 line 24 to column 11 line 10; column 14 lines 8-20; and column 17 lines 35-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Traversat et al stated above in the virtual management system for a data center of Krishnamurthy et al for presenting an administrative management hierarchy of objects that represent components of a network data center because it would have maximized the ability to control, manage, and maintain components, applications, and services of the network data center.

11. As to claims 13-14, Krishnamurthy et al disclose that the user interface is accessible from outside of the data center and by subscriber (figure 2; and column 5 line 41 to column 6 line 27).

12. As to claims 15-17 and 20, Krishnamurthy et al disclose that the subscriber can configure services objects include a subscriber virtual private network, a router, and a web cache (see summary; figures 1-3; and column 5 line 41 to column 7 line 53).

13. As to claim 18 and 21, Krishnamurthy et al disclose that the subscriber can configure services objects include a subscriber firewall and a secure sockets layer accelerator service (column 17 lines 35-65).

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14. As to claim 19, Krishnamurthy et al disclose that the service object include a load balancing application that load balances services across the devices of the data center (column 8 lines 40-47; and column 8 line 62 to column 9 line 24).

15. As to claims 22-23, Krishnamurthy et al disclose that the configuration manager provides real time network services status to administrative interface (column 17 line 66 to column 18 line 8) and the configuration manager comprises a server and an agent in a service device (figure 30; and column 16 lines 17-62).

16. As to claims 24-25, Krishnamurthy et al disclose that the server and the agent are coupled via a network and the network is a wide area network (figure 2; column 5 line 41 to column 6 line 27; and column 16 lines 17-62).

17. As to claim 26, Krishnamurthy et al disclose that the server and the agent communicate via HTTP get and post operation (column 7 lines 54-61; and column 8 lines 51-61).

18. As to claim 27, Traversat et al teach that access to each of the objects via the user interface is governed by the administrative management hierarchy (figures 1-3; and column 6 line 41 to column 8 line 59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Traversat et al stated above in the virtual management system for a data center of Krishnamurthy et al for

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presenting an administrative management hierarchy of objects that represent components of a network data center because it would have maximized the ability to control, manage, and maintain components, applications, and services of the network data center.

19. As to claims 28-37, they are also rejected for the same reasons set forth to rejecting claims 1-27 above. Additionally, Krishnamurthy et al disclose that the management interface allowing the administrator to configure objects in the system based on a facility object representing a geographic site of the data center (see abstract; figure 2; column 1 lines 22-39; and column 4 lines 33-43).

20. As to claims 38-49, they are also rejected for the same reasons set forth to rejecting claims 1-27 above. Additionally, Traversat et al disclose an interface for management of a network data center having service applications coupled to a graphical user interface objects and controlling configuration of network objects responsive to the graphical user interface, wherein the service applications are launched by service objects and hosted by the network manager (figures 1-2 and 11; column 6 line 32 to column 8 line 36; and column 15 line 1 to column 17 line 19); and also disclose that an object management interface that includes a plurality of configuration applications and configurations storage for objects coupled to the network (figure 11; and column 15 line 1 to column 17 line 19).



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21. As to claims 50-54, they are also rejected for the same reasons set forth to rejecting claims 1-27 above. Additionally, Krishnamurthy et al disclose that the management interface allowing the administrator to configure objects in the system based on a facility object representing a geographic site of the data center (see abstract; figure 2; column 1 lines 22-39; and column 4 lines 33-43). Also Krishnamurthy et al disclose that log servers that record events within the data center (column 10 line 24 to column 11 line 10; column 14 lines 8-20; and column 17 lines 35-65).

22. As to claim 55, Krishnamurthy et al and Traversat et al both disclose that the interface is provided as machine readable code for an administrative device (Krishnamurthy et al see abstract and figures 1-3; and Traversat et al see abstract and figures 1-5 and 11).

#### **Response to Arguments**

23. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

24. Applicant's amendment necessitated the new grounds of rejection.

Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact Information**

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

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July 25, 2005

*Bharat Barot*  
**BHARAT BAROT**  
**PRIMARY EXAMINER**